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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/676,147	09/29/2000	Peter Michael Gits	2705-128	1784

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EXAMINER

FLYNN, KIMBERLY D

ART UNIT PAPER NUMBER

2153

DATE MAILED: 06/21/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

JK

Office Action Summary

Application No.

09/676,147

Applicant(s)

GITS ET AL.

Examiner

Kimberly D Flynn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4-7</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 6, 8, and 10-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Chow et al. (U.S. Patent No. 6,029,175).

In considering claim 1, Chow discloses a communication system comprising:

- at least one community (fig. 1, col. 9, lines 24-32) each community comprised of:
 - at least one Space (cache 19, in fig. 4): and
 - at least one double agent (revision manager), operable to communicate with entities and the space (col. 9, lines 33-40);
 - at least one non-space specific double agent, operable to communicate outside of the community (remote HTTP server 4, in fig 3), and col. 9, lines 52-58).

In considering claim 2, Chow discloses wherein the at least one double agent further comprises a universal double agent (6 in fig. 2).

In considering claim 3, Chow discloses wherein the at least one double agent further comprises a morphing double agent (7 in fig. 2).

In considering claim 4, Chow discloses wherein the at least one double agent further comprises at least one device specific double agent (8 in fig. 2).

In considering claims 6, 11, and 13, Chow discloses a system configured to perform the steps of:

- establishing a Space (cache) in the memory (19 in fig. 4);
- executing an agent to generate an object in response to a request from a member of a Community (col. 5, lines 64-67 through col. 6, lines 1-4);
- inserting the object into the Space (cache); and providing notification to subscribed members of the community of the insertion of the object into the Space (col. 6, lines 7-11).

In considering claim 8 and 12, Chow discloses wherein the space (19), the double agent (1) and the subscribed members (2) reside on at least two different computing devices (see fig. 3).

In considering claim 10, Chow discloses wherein the action requested requires interaction with another space (col. 9, lines 54-58).

Claim Rejections - 35 USC § 102

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5, 7, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chow.

In considering claim 5, while Chow discloses the invention substantially as claimed Chow does not disclose wherein the at least one non-space specific double agent further comprises a determination agent, and wherein objects intended for other Spaces are reinserted into the Space including a wrapper addressed for the determination agent. Nonetheless, it would have been obvious to a person having ordinary skill in the art to modify the system as disclosed by Chow to include a determination agent and the steps of reinserting objects intended for another Space into the Space addressed to the determination agent for the purpose of making a determination about the location of a misplaced objects in order to reduce system delays and latency caused by unresolved objects. Therefore the claimed limitation would have been obvious modifications to the system as disclosed by Chow.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly D Flynn whose telephone number is 703-308-7609. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on 703-305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Andrew Caldwell
Andrew Caldwell

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kimberly D Flynn
Examiner
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KDF